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Note verbale dated 30 April 2008 from the Permanent Mission of Algeria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Algeria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to his letter, has the honour to transmit herewith the second report of the Algerian Government on the implementation of resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 30 April 2008 from the Permanent Mission of Algeria to the United Nations addressed to the Chairman of the Committee

Report of the Government of Algeria prepared pursuant to Security Council resolution 1540 (2004)

March 2008

Introduction

Faithful to its commitment to the preservation and consolidation of world peace, security and stability as well as to progress and development, Algeria has always actively contributed to international efforts in the field of non-proliferation and disarmament. Indeed, Algeria is convinced that peace and development are intrinsically linked to collective security, which presupposes the elimination of tension and conflict throughout the world, in particular through the fight against the acquisition, use, stockpiling and transfer of weapons by non-State actors, and to the control of weapons of mass destruction. Achieving those objectives calls for joint efforts on the part of the entire international community, owing to the globalized nature of the phenomena and to security challenges such as terrorism, illicit arms transfer and transnational organized crime.

In this context, it is important to point out that Algeria is a party to the principal international legal instruments in the field of disarmament and non-proliferation and seeks at both the national and international levels to promote the effective implementation of those instruments and ensure their universality. Moreover, Algeria continues to engage in a relentless fight against terrorism, acting in accordance with the relevant international legal instruments. It has also established an appropriate legislative and regulatory framework, as stated in its previous reports submitted in pursuance of the related Security Council resolutions.

The present report deals with both progress made and future action, as well as with the new legislative, regulatory and institutional measures taken by the Algerian Government in connection with Security Council resolution 1540 (2004).

1. Paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

By acceding to nearly all the instruments governing the process of world disarmament and guaranteeing the non-proliferation of weapons of mass destruction, be they nuclear, chemical or biological, Algeria is taking action for the elimination of all such weapons and consequently refrains from developing their use or providing any aid for that purpose to State or non-State actors.

In order to comply with the requirements of the international conventions to which it has acceded, Algeria has elaborated and adopted national legislation that prohibits the development, acquisition, production, possession, transfer or use of nuclear, chemical or biological weapon and their means of delivery.

Thus, Algeria's commitment in the field of disarmament and non-proliferation of weapons of mass destruction has been constant and is reflected in the ratification of numerous international instruments, in particular the following:

- Treaty on the Non-Proliferation of Nuclear Weapons, ratified on 12 January 1995;
- African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty), ratified on 11 February 1998;
- Comprehensive Nuclear Test Ban Treaty, ratified on 11 July 2003;
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, ratified on 22 July 2001;
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, ratified on 14 August 1995.

Algeria has also ratified 12 of the 13 United Nations conventions on the counter-terrorism. The International Convention for the Suppression of Acts of Nuclear Terrorism is currently being studied with a view to its ratification.

1.1. In the nuclear area

1.1.1. Action taken

Algeria has signed the following conventions:

- Convention on Nuclear Safety, 20 September 1994;
- United Nations convention on the prevention of acts of nuclear terrorism.

In addition, it has ratified the following conventions:

- Convention on the Physical Protection of Nuclear Material, on 30 May 2003;
- Convention on Early Notification of a Nuclear Accident, on 23 October 2003;
- Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, on 23 October 2003;
- Amendment to the Convention on the Physical Protection of Nuclear Material to include nuclear facilities, on 25 April 2007, the date of deposit of the instruments of ratification.

It should be noted that Algeria is also engaged in sustained cooperation with the International Atomic Energy Agency (IAEA) in the field of security and safety of radioactive sources with a view to adapting its regulations to international standards, in particular through the application of the fundamental international norms governing protection against ionizing radiation and safety of radiation sources, as well as the Regulations for the Safe Transport of Radioactive Material.

In addition, Algeria has made a formal declaration to the IAEA Director General of its acceptance of the Code of Conduct on the Safety and Security of Radioactive Sources together with the Guidance on the Import and Export of

Radioactive Sources as well as the Code of Conduct on the Safety of Research Reactors and its willingness to implement the provisions of both instruments despite their non-binding legal nature.

1.1.2 Future action

The Algerian authorities are devoting their attention to the completion of the legislative and regulatory framework already in place, the principal components of which are mentioned in the various sections of this report.

1.2. In the chemical area

1.2.1. Action taken

By virtue of presidential decree No. 97-125 of 26 April 1997, Algeria, which has ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, set up a national authority for the implementation of the Convention in accordance with article VII thereof.

The national authority, referred to as the Interministerial Committee charged with the implementation of the above-mentioned Convention, which had been placed under the head of the Government, is now attached to the Ministry of National Defence. The Committee is made up of 15 members, representing all the ministries concerned, and is tasked, among other things, with:

- Coordinating with the technical secretariat of the Organization for the Prohibition of Chemical Weapons and the national authorities of other member States;
- Strengthening the monitoring of activities connected with the chemical sector and hence contributing to the prevention of any threat of deviation or use of chemicals for criminal purposes.

1.3. In the biological area

1.3.1. Action taken

Algeria, which acceded to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction pursuant to Presidential Decree No. 2000-450 of 23 December 2000, has taken a number of measures connected, in particular, with the management and securing of the handling of microbiological agents in bacteriology and virology analysis laboratories.

1.3.2. Future action

Algeria is contemplating the possibility of creating a national authority charged with the implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction similar to the national authority created under the Chemical Weapons Convention.

2. Paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

2.1. In the nuclear area

2.1.1. Action taken

Regulations pertaining to control of sources of ionizing radiation

The national legislative and regulatory framework on notification, authorization and verification systems has been updated in accordance with the relevant fundamental international norms. Administrative regulations and procedures governing the possession, transfer and use of radioactive sources and materials have been elaborated. This involved, in particular, the establishment of a national regulatory framework for the protection of workers and the population against radiation and for radioactive waste management.

Within this framework, a collaboration agreement between the Atomic Energy Commission and customs was finalized. The agreement is intended to strengthen control, based primarily on the tariff headings code, over the movement of radioactive sources (import/export) in accordance with the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources.

In addition, three regulatory texts (presidential decrees) have been adopted with a view to updating and completing the regulations in force. They relate to protection against radiation, the ionization of foodstuffs and radioactive waste management.

Furthermore, Presidential Decree No. 05-117 of 11 April 2005, on protection against ionizing radiation, establishes a system of authorization of the possession and use of radiation sources. This set of regulations, moreover, requires those in possession of radioactive sources to place them under constant surveillance.

This Decree was amended in 2007 (by Presidential Decree No. 07-171 of 2 June 2007) in order to meet international standards, by:

- Laying down the general rules governing protection against the risks of ionizing radiation, in particular during operations involving the importation, transit, production, transformation, use, handling, transport, warehousing, storage, disposal, elimination and exportation of radioactive substances and any other practice involving a risk resulting from occupational exposure, potential exposure, medical exposure, exposure of the public or emergency-exposure situations;
- Laying down the rules governing authorization for the possession and use of natural or artificial substances and equipment emitting ionizing radiation intended for industrial, agricultural, medical and scientific purposes;

- Instituting regulatory control of radiation sources from their importation or production to their disposal, elimination or exportation.

Presidential Decree No. 96-436 of 1 December 1996, on the creation, organization and operation of the Atomic Energy Commission, was also amended and supplemented by Decree No. 07-279 of 18 September 2007.

In the area of protection of persons, property and the environment against the effects of ionizing radiation, the Atomic Energy Commission is charged with:

- Issuing, modifying, suspending or withdrawing permits for activities using sources of ionizing radiation;
- Establishing and keeping national registers of sources of ionizing radiation and nuclear material accounting;
- Carrying out monitoring and inspections of facilities housing ionizing radiation sources or nuclear material;
- Approving the safety and security systems put in place by users of ionizing radiation sources;
- Assisting the competent authorities with regard to matters relating to the safety and security of ionizing radiation sources and the management of radiological and nuclear emergencies;
- Elaborating the forward programme of permits for the possession and use of ionizing radiation sources and the annual inspection programme for activities using such sources.

The importing and exporting of radioactive materials and sources are also subject to the issuance of prior authorization by the Atomic Energy Commission, in accordance with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

Prevention and combating of illicit trafficking in nuclear and other radioactive materials

The Atomic Energy Commission regularly carries out awareness-raising and training actions for border security services on combating illicit trafficking in nuclear and other radioactive materials. Several national and regional courses have been held in Algiers within the framework of the project of the African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology on nuclear security (AFRA project) and the European Union/IAEA project.

Employees in charge of the prevention and combating of illicit trafficking in nuclear materials have thus taken part in international workshops on illicit trafficking in radioactive materials.

Since July 2007, Algeria has also participated in the programme concerning the IAEA Illicit Trafficking Database on illegal trafficking incidents and other unauthorized activities involving nuclear and radioactive materials, the purpose of which is to help strengthen nuclear security and prevent acts of nuclear and radiological terrorism throughout the world.

Maintenance of a computerized national inventory of radiation sources in accordance with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources

This computer file is managed using the Regulatory Authority Information System (RAIS 3.0), provided by the International Atomic Energy Agency. This software permits the computerized management of the system of regulatory control of ionizing radiation sources (keeping track of inventories and registers of sources, users, permits, inspections, etc.).

A regulatory body was set up in January 2004 under the Atomic Energy Commission, a structure established on 1 December 1996 to govern and coordinate nuclear activities in Algeria. It has the following mandate:

- To update national laws and regulations on notification, authorization and inspection systems;
- To evaluate national infrastructure with regard to nuclear waste safety;
- To help strengthen the enforcement of regulations concerning nuclear facilities and the management of radioactive material and waste.

2.1.2. Future action

Going hand in hand with the consolidation of the domestic legal framework, there are plans for the establishment of a legislative and regulatory framework (forthcoming passage of a nuclear law) and the reorganization of nuclear activities in Algeria.

A nuclear bill drafted in 2007 is currently under consideration. This bill defines the provisions applicable to activities connected with the peaceful use of nuclear energy and technology and ionizing radiation sources and is aimed at protecting human and environmental health against pollution due to such radiation. It lays down the conditions for the exercise of nuclear activities and those involving the use of sources of ionizing radiation in all socio-economic sectors as well as nuclear safety and security rules to govern those activities.

From the institutional standpoint, the bill calls for redeployment of activities through the establishment of two entities:

- An authority for the promotion and development of the use of nuclear energy for peaceful purposes. One of its tasks will be to implement the national programme for the promotion and development of nuclear energy in the various fields of activity;
- A regulation authority, charged with ensuring that the peaceful use of nuclear energy is in compliance with the laws in force. The bill calls for the establishment, through this organ, of a system for the control of nuclear and other related activities, providing for an authorization, inspection and sanctioning process in accordance with international recommendations on protection against ionizing radiation.

This format is in keeping with the principle of independence of the regulatory control with respect to promotional activities, as required by the relevant international standards.

The bill also calls for the creation of legal instruments to enable Algeria effectively to adopt measures aimed at compliance with international commitments, in particular safeguards agreements with IAEA arising from accession to the Non-Proliferation Treaty.

2.2. In the chemical area

2.2.1. Action taken

Algerian Act No. 03-09, passed on 19 July 2003, provides for the punishment of violations of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Under the Act, it is prohibited for any natural or artificial person who is in Algerian territory to take, under penalty of criminal and administrative sanctions, any action contrary to the relevant provisions of the Convention. The application of the Act extends to any activity prohibited for a State party to the Convention, undertaken in any place whatsoever by a natural person having Algerian nationality.

2.2.2. Future action

Four texts for the implementation of the provisions of the aforementioned Act are contemplated. They are executive decrees on:

- Procedures for declaring activities not prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Operating conditions of the chemical production plants listed in schedules 1, 2 and 3 of the Annex on Chemicals of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Procedures and formalities for permits for the transfer of the chemicals listed in schedules 1 and 3 of the Annex on Chemicals of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;
- Procedures for national and international verification inspections of the facilities and sites covered by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

2.3. In the biological area

2.3.1. Action taken

Algeria, which neither possesses nor produces biological weapons, seeks to ensure rational, safe management of the handling of microbiological agents in bacteriology and virology analysis laboratories operating for the sole purpose of preserving health.

With regard to regulations, texts have been adopted in connection with health security, in particular the following:

- Decree of 9 December 2003 on procedures for the management of waste from health-care activities, providing in particular for the disposal of waste from health-care activities characterized by risk of infection;

- Ministry of Health Decree of 6 August 2007 on the creation, organization and operation of a national focal point for International Health Regulations, in charge of public health emergencies international in scope. The purpose of this body is to protect the territory against the introduction of diseases and to strengthen national capacities for monitoring, detecting and handling any epidemic flare-up of communicable disease or any event that might constitute a risk to public health, whether communicable or non-communicable in nature.

The following actions should also be noted:

- Microbiology analysis laboratories are subject to the approval of the Ministry of Health and controlled and inspected by the health services corps of inspectors;
- The bacteriology and virology analysis laboratories at the Pasteur Institute of Algeria, which was set up at a new site in 2007, have been upgraded;
- The equipment in microbiology laboratories in the country's hospitals has also been updated and diagnostic capacities strengthened;
- Two type-P3 high-security microbiology laboratories are being set up at the Pasteur Institute in Algiers. In addition, two other type-P3 laboratories are planned, one to be established at Oran and the other, at Constantine.

It should also be pointed out that the monitoring of the use, exploitation and circulation of biological agents is governed by the regulations in force concerning hazardous substances.

With regard to epidemiological surveillance, a system exists for the reporting of 35 communicable diseases, which are notified to the epidemiology and preventive-medicine services of medical establishments, the National Institute of Public Health and the Ministry of Health, Population and Hospital Reform. This computerized system is currently integrated into the health-services Intranet.

In the area of early-warning and intervention methodology, the Departments of Health and Population in the wilayat update on a yearly basis their systems for the management of disasters or exceptional events such as the risk of epidemics.

2.3.2. Future action

Algeria is considering strengthening its border health-control posts.

3. Paragraph 3 (a) and (b)

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures.

3.1. In the nuclear area

3.1.1. Action taken

Attention should be drawn to the voluntary, unilateral subjection of Algerian nuclear facilities to IAEA inspections under ad hoc agreements concluded with the Agency well in advance of the signing of the Non-Proliferation Treaty, namely:

- Agreement on the application of safeguards to the NUR nuclear research reactor at Draria (1 megawatt) and the nuclear material to be used in that reactor, signed at Vienna on 23 February 1989 (Presidential Decree No. 90-54 of 13 February 1990);
- Agreement concerning the application of safeguards to the Es Salam nuclear research reactor at Birine (15 megawatts) and to the nuclear material and heavy water to be used in that reactor, signed at Vienna on 27 February 1992 (Presidential Decree No. 92-166 of 28 April 1992).

In accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, signed in January 1995, the Comprehensive Safeguards Agreement concluded with the International Atomic Energy Agency on 30 March 1996 has been in force between Algeria and the Agency since 7 January 1997, permitting nuclear-material accounting and control.

For the purposes of the application of the Safeguards Agreement, Algeria keeps up-to-date accounts of nuclear material, regularly provides IAEA with the accounting reports on nuclear material in its facilities and receives inspection visits scheduled by IAEA, establishing a State System of Accounting for and Control of all nuclear materials subject to safeguards.

Since the Safeguards Agreement took effect, moreover, the Algerian authorities have constantly striven to ensure that all persons charged with accounting for and control of nuclear material in the various material-balance areas are provided with adequate training through participation in international workshops and courses held on such topics.

In addition, the State System must be accompanied by the establishment of appropriate physical protection measures and systems.

It is with this in view that Algeria acceded to the Convention on the Physical Protection of Nuclear Material, on 30 May 2003, and to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, on 15 February 2004.

3.1.2. Future action

Since the entry into force, on 23 January 2003, of the general part of the subsidiary arrangements of the Comprehensive Safeguards Agreement, Algeria has been striving to finalize the standard forms in cooperation with the IAEA secretariat.

Furthermore, Algeria is making every effort to satisfy the requirements with a view to the implementation of the Additional Protocol to the Comprehensive Safeguards Agreement, for the signing of which the IAEA Board of Governors authorized the Director-General on 14 September 2004.

3.2. In the chemical area

3.2.1. Action taken

Decree No. 03-451 of 1 December 2003 lays down the rules of security applicable to activities involving hazardous materials and chemicals and pressurized gas containers. This instrument was subsequently strengthened by three implementing texts, namely:

- The interministerial decree of 10 April 2004, setting out the composition, purposes and operation of the technical committee on hazardous materials and chemicals. This committee, placed under the Ministry of Energy and Mines, is charged with:
  - Making any and all proposals for the establishment and updating of the schedule of hazardous chemicals and their classification on the basis of their degree of hazardousness;
  - Making any and all proposals concerning the regulatory system to be assigned to hazardous chemicals;
  - Preparing security sheets for all hazardous materials and chemicals listed in the aforementioned schedule and preparing information sheets indicating, in particular, the risks connected with each such material or chemical and giving advice to be followed in case of declared danger;
- The interministerial decree of 1 August 2004, defining the terms and conditions of the acquisition of hazardous materials and chemicals on the foreign market;

This decree makes all imports of hazardous chemicals appearing in the schedule of hazardous materials and chemicals provided for in article 2 of Executive Decree No. 03-451 of 1 December 2003 subject to prior approval by the Ministry of Energy and Mines;

- The decision of the Head of Government of 24 March 2005 incorporating the chemicals in schedules 2 and 3 of the Annex on Chemicals of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction into the schedule of hazardous chemicals whose importation requires prior approval by the Ministry of Energy and Mines.

In addition to making the chemicals in schedules 2 and 3 of the Annex on Chemicals of the Convention subject to prior approval by the Ministry of Energy and Mines, the said decision makes their removal from the customs services contingent on the issuance of a declaration receipt by the national authority in charge of the Chemical Weapons Convention.

3.2.2. Future action

Future action includes plans for the implementation of the following regulations:

- The interministerial decree establishing the schedule and classification of hazardous materials and chemicals in the process of being published;

- The interministerial decree establishing the terms and conditions of the granting of approval for an occupational activity involving hazardous materials and chemicals;
- The interministerial decree establishing the terms and conditions of prior qualification of staff assigned to tasks involving the storage of hazardous materials and chemicals;
- The interministerial decree establishing the terms and conditions of the acquisition on the domestic market of fertilizers, phytosanitary products for agricultural use, paramedical products and products that are toxic or present a particular risk and contain materials appearing in the schedule of hazardous materials and chemicals provided for in article 2 of Executive Decree No. 03-451 of 1 December 2003;
- The interministerial decree establishing the terms and conditions of the acquisition on the foreign market of fertilizers, phytosanitary products for agricultural use, paramedical products and products that are toxic or present a particular risk and contain materials appearing in the schedule of hazardous materials and chemicals provided for in article 2 of Executive Decree No. 03-451 of 1 December 2003;
- The interministerial decree establishing the terms and conditions governing the keeping, by the wilaya Energy and Mines services, of the file on pressurized containers kept within their districts.

3.3. In the biological area

3.3.1. Action taken

It is important to note that a recommendation for the adoption of a law transposing the provisions of the Biological Weapons Convention to domestic law is under consideration.

4. Paragraph 3 (c)

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law.

4.1. In the nuclear area

4.1.1. Action taken

Action to improve the physical protection of nuclear facilities and material is currently being taken by the Atomic Energy Commission, in particular through the setting up of improved electronic surveillance systems.

IAEA assistance is planned within the framework of the European Union (EU) project in the fields of nuclear security and verification and within that of the implementation of the European Union Strategy against Proliferation of Weapons of Mass Destruction.

An operation to improve the security of high-activity radioactive sources in Algeria is currently under way. It consists in setting up, at the national level,

electronic surveillance systems in radiotherapy departments having this type of radioactive source.

4.1.2. Future action

With a view to strengthening its physical protection system, Algeria has made known its needs in the area of acquisition of nuclear security equipment, including the following:

- Radioactive-source and nuclear-material detector (Polimaster DRP-PM 1703M);
- Portals and scanners (ports, airports and research centres);
- System for online monitoring of radioactive sources;
- Software for modelling facilities, building aggression scenarios and evaluating threats (Eva, EASY, etc.) and training in the use of such software.

In addition, the training of human resources, especially State authorities (coastguard, gendarmes, customs officials, border police) charged with the implementation of such a system, is necessary, particularly with regard to the following aspects:

- The design basis threat and the use of corresponding software;
- The determination of the optimal size of protection systems.

4.2. In the chemical area

Executive Decree No. 90-79 of 27 February 1990, regulating the transport of hazardous materials, was replaced by Executive Decree No. 03-452 of 1 December 2003, establishing the special conditions governing the transport of hazardous materials by road.

4.3. In the customs area

4.3.1. Legal framework

Owing to its geographic position and extensive borders, Algeria has created for itself a rigorous legislative and regulatory framework for border-control purposes. Consequently, all exported or imported hazardous substances, in particular nuclear, chemical and biological substances, are checked. The existing legislative and regulatory framework has been strengthened within the context of the war on terrorism. The following are the main legislative and reguiatory texts adopted:

- The Customs Code enacted by Act No. 79-07 of 21 July 1979, amended and supplemented by Act No. 98-10 of 22 August 1998;
- Order No. 76-80 of 23 October 1976, enacting the Maritime Code;
- Executive Decree No. 90-79 of 27 February 1990, regulating the transport of hazardous materials, was replaced by Executive Decree No. 03-452 of 1 December 2003, establishing the special conditions governing the transport of hazardous materials by road.

- Executive Decree No. 02-01 of 6 January 2002, establishing general regulations for the operation and security of ports, which lays down, in particular, the conditions for the entry and exit of vessels.

In accordance with the maritime and customs codes, the movement of goods arriving by sea is subject to fourfold control by the coast guard, Ministry of Transport departments, the border police and the port authority.

4.3.2. Action taken

With regard to transit, in addition to the required permits issued by the competent authorities and the compulsory escort by the security services, Algerian customs regulations require the presentation, by the tenderer, of a detailed declaration whereby he undertakes to see to it that the declared goods arrive at a specified office (office of exit), with seals intact, within the prescribed time limit and in accordance with a prescribed itinerary (article 127 of the Customs Code).

In cases of temporary admission, the Algerian Customs Code provides that in general, goods admitted under these provisions shall not be alienated, loaned, leased or used for valuable consideration. Nor may they be transported out of the places for which they were initially destined (articles 174 to 185 quater of the Customs Code).

Also, the new organization chart of Algerian Customs calls for the creation, among other things, of a department in charge of prevention and security and a department in charge of ex post facto controls.

4.3.3. Practical aspects of control

In 2007 a mixed customs/police working group was created with a view to strengthening cooperation and improving efficacy in combating the various types of fraud and cross-border criminal activities.

To strengthen border controls, the following actions were undertaken:

- Several surveillance posts were created all along the borders during 2006 and 2007 to back up customs officers in their fight against terrorist, smuggling and other criminal organizations;

- Added to these special posts is the large-scale reactivation of roadblocks set up jointly with the security services, especially in regions where illegal trade is the most rampant.

The customs administration, too, has taken the necessary steps to equip itself with air assets so as to participate more actively and more effectively in the strengthening of capacities for combating illegal traffic (including in weapons of all types) in the vast expanses of southern Algeria.

4.3.4. Cooperation with customs administrations

In addition to its willingness to supply countries that so request with information, certificates, official reports and other documents that might establish a violation of laws and regulations applicable to entry into or exit from their territory (especially those pertaining to the effort to combat all traffic fostered by transnational organized crime), Algeria has signed agreements on mutual administrative assistance with several countries, including some in the Mediterranean, Maghreb and Sahel regions.

In the context of its participation in the activities of the World Customs Organization, the Algerian customs administration was elected a member of the High-Level Strategic Group, whose task is to implement the World Customs Organization resolution aimed at the application of its Framework of Standards to Secure and Facilitate Global Trade.

4.3.5. Other forms of cooperation

Apart from the cooperation established with the World Customs Organization and the International Criminal Police Organization (INTERPOL), the customs administration is a member of the national counterterrorism committee established pursuant to Security Council resolution 1373 (2001).

4.3.6. Future action

Amendments to the Customs Code

In addition to the existing legislation, the customs administration is currently amending its Code with a view to the insertion of provisions relating to the handling of certain cases of traffic sustaining criminal and/or terrorist activity in accordance with the new regulatory and legislative provisions introduced by:

- Act No. 05-01 of 6 February 2005, against money-laundering and the financing of terrorism;
- Order No. 05-06 of 23 August 2005, on combating smuggling;
- Act No. 06-01 of 20 February 2006, on preventing and combating corruption.

5. Paragraph 3 (d)

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

The importing and exporting of nuclear material, chemicals and biological substances are subject to strict regulations.

5.1. In the nuclear area

Any transfer of nuclear material beyond Algeria's frontiers is subject to the relevant provisions of the Comprehensive Safeguards Agreement concluded with IAEA.

5.2. In the chemical area

See paragraph 2.2.2 of the present report.

6. Paragraph 8 (a)

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

In addition to its accession to nearly all the international instruments on disarmament and non-proliferation, Algeria makes an active contribution within the framework of regional and international forums to the promotion of such instruments, which are aimed at strengthening international peace and security. It has participated in all the major international meetings.

6.1. In the nuclear area

Among its activities, Algeria has:

- Participated, in 1995, in the fifth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which resulted in the extension of that instrument;
- Held, in 2000, the presidency of the sixth Review Conference, which saw the adoption of 13 concrete measures of unequivocal commitment to the total elimination of nuclear arsenals in accordance with article VI of the Treaty;
- Participated, in 2005, in the seventh Review Conference, at which time Algeria reiterated its appeal for the preservation of the authority and credibility of the Treaty and for the implementation of all its provisions aimed at rendering it truly universal;
- At the unanimous behest of the IAEA Board of Governors in November 2005, chaired the Committee on Safeguards and Verification established by the Board;
- Regularly and actively participated in the conferences for the promotion of the Comprehensive Nuclear-Test-Ban Treaty held regularly under article XIV of the Treaty. Algeria ranks 32nd on the list of 44 countries whose ratification is required for the Treaty's entry into force. Its contribution to the entry into force of the Treaty is also reflected in the establishment, in 2003, of a National Data Centre connected with the Vienna International Centre for receiving International Monitoring System data under the Treaty's verification regime.

Algeria supports the creation of nuclear-free zones throughout the world as an important stage on the road to disarmament. It has been working, in particular, towards the entry into force of the Pelindaba Treaty on the creation of a nuclear-weapon-free zone in Africa and the creation of such a zone in the Middle East.

It continues to call for the reactivation of the work of the Conference on Disarmament as a suitable multilateral framework for the consolidation of the international legal instruments governing disarmament. It also continues to back efforts and proposals aimed at the drafting of global conventions against terrorism, the prohibition of weapons of mass destruction and disarmament.

6.2. In the chemical area

Algeria has actively participated in the work of the Preparatory Commission and in all the regular and special sessions of the Conference of the States Parties to the Convention on the Prohibition of Chemical Weapons. Thus, Algeria chaired the seventh regular session of the States Parties to the Convention and the first special session devoted to the consideration of the Convention.

Moreover, from the entry into force of the Convention to this day, Algeria has sat on the Executive Council of the Organization for the Prohibition of Chemical Weapons, of which it is currently serving as Vice-Chairman. In addition, it sat for two consecutive terms on the Organization's Consultative Scientific Council and was a member of its Confidentiality Commission for several years.

Algeria also coordinated the group of African States parties for many years and on several occasions served as Vice-Chair of the Conference of States Parties, the most recent of which was held in 2006.

In collaboration with the Organization for the Prohibition of Chemical Weapons, moreover, Algeria organized a subregional seminar of customs authorities of the States parties of North Africa and the Sahel, which was held in Algiers on 12 and 13 December 2006, and a workshop on the universality of the Convention in June 2007.

7. Paragraph 8 (b)

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties.

The action taken or to be taken in this regard has already been mentioned in the preceding sections.

9. Paragraph 8 (c)

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes.

9.1. In the nuclear area

9.1.1. Action taken

Regular cooperation takes place with the International Atomic Energy Agency in the areas of safeguards, use of nuclear energy for peaceful purposes and nuclear safety and security. Algeria participates actively in all meetings of the IAEA governing bodies.

The technical cooperation programme between Algeria and IAEA covers a broad range of activities and is aimed primarily at promoting nuclear applications in the fields of medicine, food and agriculture, exploitation of water resources and industry.

The main emphasis is on the establishment of basic technical capacities and the strengthening of nuclear safety and the radiation protection infrastructure with a view to the safe use of nuclear facilities, radioisotopes and radiation sources in accordance with the relevant international norms.

Algeria's interest in the objectives of IAEA is also reflected in constant support for the programme for promoting technical cooperation on nuclear energy for peaceful purposes.

Within this framework, Algeria is particularly involved in the implementation of the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (AFRA) developed for Africa, participating in regional cooperation projects, hosting events organized in that connection and making its national expertise available to IAEA.

Considerable efforts have been made by Algeria to promote the strengthening of institutional capacities through active participation in IAEA human resources development programmes.

Algeria also maintains relations with all international bodies in charge of mechanisms for monitoring the implementation of international non-proliferation and disarmament conventions and treaties.

9.1.2. Future action

Algeria continues to meet its international commitments regularly, whether in its bilateral relations with IAEA or under the AFRA Agreement instituting inter-African cooperation under the aegis of IAEA.

9.2. In the chemical area

9.2.1. Action taken

In the area of international cooperation Algeria has carried out the following actions:

- Training of 14 members of the Algeria's national authority in courses intended specifically for the staffs of the national authorities of the States parties charged with the implementation of the Convention;
- The interministerial committee charged with the implementation of the Chemical Weapons Convention has taken advantage of every training opportunity offered by the Organization for the Prohibition of Chemical Weapons on assistance and protection against chemical weapons, the detection and analysis of toxic chemicals and the organization of civil defence against chemical weapons.

Every year since the entry into force of the Convention, Algeria has paid its assessed contribution to the organization's budget within the prescribed time limit. In other words, the country has never been late in paying its financial contributions.

Article XI of the Convention provides that States parties must undertake to facilitate the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention. Yet despite this provision, Algeria continues to be hampered in its supply of chemicals and scientific material greatly needed for both its industry and its research. Like other developing countries,

Algeria demands the uniform applications of the provisions of the Convention by all States parties. It calls upon States parties to show greater flexibility in their respective regulations in order to facilitate to the fullest possible extent, within the framework of activities not prohibited under the Convention, the international exchange of chemicals, equipment and scientific and technical information.

Algeria submitted its initial declaration at the time of entry into force of the Convention, on 29 April 1997. The declaration has been updated several times (in 2001, 2004, 2006, 2007 and 2008) to account for the start of production of new facilities for such products. Algeria, which neither produces nor is in possession of chemical weapons, has declared its plant sites whose production includes the synthesis of discrete organic chemicals.

It is also worth noting that from 1997 to 2008, Algeria's annual declarations of export and import activities involving chemicals in schedules 2 and 3 of the Annex on Chemicals of the Convention have been submitted within the required time limits.

Algeria has received nine inspection missions by the Organization for the Prohibition of Chemical Weapons, which have taken place under very good conditions and have shown that the Algerian industrial sites inspected were not used for purposes prohibited by the Convention.

In 2003, in accordance with the Convention, Algeria adapted its regulations in force regarding the duration of stay of foreign personnel, granting inspectors of the Organization for the Prohibition of Chemical Weapons renewable two-year visas.

9.2.2. Future action

Algeria has submitted to the Organization for the Prohibition of Chemical Weapons a draft agreement on privileges and immunities between the Government of the People's Democratic Republic of Algeria and the Organization for the Prohibition of Chemical Weapons.

10. Paragraph 8 (d)

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws.

10.1. In the nuclear area

10.1.1. Action taken

The setting up, at the national level, of an ad hoc interministerial committee charged with preparing Algeria's accession to the Additional Protocol to the IAEA Comprehensive Safeguards Agreement.

10.1.2. Future action

Information concerning Algeria's obligations in connection with its preparation for the signing of the Additional Protocol is widely disseminated and explained to all sectors.

10.2. In the chemical area

In 2001, Algeria, being aware of the need for consciousness-raising with regard to the effects of chemical weapons, submitted to the Organization for the

Prohibition of Chemical Weapons a preliminary plan of protection against chemical weapons. It has also taken the following steps:

- A working group has been set up by the Head of Government and assigned the task, in a concerted action involving all the national agencies concerned, of identifying potential chemical and biological risks to which Algeria might be exposed and elaborating appropriate early-warning and intervention systems to deal with their consequences in the most efficient manner. The working group thus established has devoted much attention to the terrorist threat that hangs over the country;

- The Algiers-based African Centre for Studies and Research on Terrorism was created on 13 October 2004 on the occasion of the second intergovernmental meeting of the African Union on the prevention and combating of terrorism (13 and 14 October 2004). The Centre has incorporated into its mandate protection against chemical terrorist attacks.

Algeria has also participated in trainer training workshops organized by the Organization for the Prohibition of Chemical Weapons for States parties in the North African subregion under the heading of protection against chemical weapons. It thus took part in the Tunis and Hague workshops, followed by three additional training courses on protection that were held in Serbia, Slovakia and Morocco, respectively, in June and September 2007 and March 2008.

10.3. In the customs area

10.3.1. Action taken

Training and awareness-raising

In 2006, a regional seminar of national customs authorities of the countries of the Maghreb and the Sahel on customs control of chemicals was organized in Algiers by Algerian customs under the aegis of the Ministry of Foreign Affairs and the Organization for the Prohibition of Chemical Weapons. Customs also took part in the workshop on the implementation and the universality of the Chemical Weapons Convention in Africa, held in June 2007.

The customs services were also given national and international training courses in the nuclear and chemical fields, including a training course on the implementation of the Chemical Weapons Convention, held in France in March 2007, and training in port security and management of hazardous materials transit in ports, held in Algiers in November 2007 (International Maritime Dangerous Goods Code).

It would be worthwhile for this particularly useful training to be extended to different specialized areas.

International assistance

The customs administration would be especially interested in:

- Expanded and specialized training in the recognition of chemical, biological radiological and nuclear substances and materials (trainer training in particular);

- Assistance with supplies for the detection of and protection against chemical, nuclear, radiological and biological weapons to assist customs

officials in their monitoring tasks and enhance their control and prevention capacities. Such means relate in particular to detection equipment and alarm systems, protection equipment, decontamination equipment and decontaminants, antidotes and medical treatments;

- Training and/or counselling on each of these protective measures.

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 17 April 2008 from the Permanent Mission of Dominica to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Commonwealth of Dominica to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to refer to the latter's note verbale dated 25 October 2006, as well as the note verbale dated 2 November 2007, concerning the submission by States of their reports on measures taken to implement the provisions of the resolution.

The Permanent Mission has the further honour to transmit herewith the national report of the Government of the Commonwealth of Dominica, in accordance with the provisions of paragraph 4 of the said resolution (see annex).

The Permanent Mission would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

09-27806 (E) 030409

Please recycle

Annex to the note verbale dated 17 April 2008 from the Permanent Mission of Dominica to the United Nations addressed to the Chairman of the Committee

Report of the Government of the Commonwealth of Dominica pursuant to Security Council resolution 1540 (2004)

The Commonwealth of Dominica has the pleasure to report to the Security Council Committee established pursuant to resolution 1540 (2004) of its actions relative to the non-proliferation of nuclear, chemical, or biological weapons particularly as they relate to the implementation of the resolution.

The Government of the Commonwealth of Dominica does not possess and has no intention of possessing weapons of mass destruction and their means of delivery. Furthermore, the Commonwealth of Dominica confirms that it does not provide any form of support to-non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

The Commonwealth of Dominica is firmly committed to international efforts for arms control and disarmament, and the non-proliferation of weapons of mass destruction. This is reflected through its ratification and implementation of various treaties and conventions at the international and regional levels concerning the subject matter. These include:

- The Biological Weapons Convention
- The Chemical Weapons Convention
- The Nuclear Non-Proliferation Treaty
- The Convention on the Physical Protection of Nuclear Material
- The Treaty of Tlatelolco and a safeguards agreement with the International Atomic Energy Agency
- Outer Space Treaty

Although Dominica is not yet a State party to the Comprehensive Nuclear-Test-Ban Treaty, the Government has declared its intention to ratify that treaty.

Dominica has ratified a number of international conventions against terrorism consistent with its obligations to Security Council resolution 1373 (2001) and issues related to resolution 1540 (2004). They are as follows:

- Convention for the Suppression of Unlawful Seizure of Aircraft
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
- International Convention against the Taking of Hostages
- Convention on the Physical Protection of Nuclear Material

- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- International Convention for the Suppression of Terrorist Bombings
- International Convention for the Suppression of the Financing of Terrorism

The Commonwealth of Dominica enacted in 2003 Act. No. 3 of 2003, Suppression of Financing of Terrorism, the purpose of which, inter alia, is to criminalize the financing of terrorist activities, and to provide detection, prevention, prosecution, conviction and punishment of terrorist activities; this Act therefore gives effect to the aforementioned international conventions related to counter-terrorism. A related piece of legislation, the Money Laundering Prevention Act, No. 20 of 2000, also seeks to criminalize and prevent the financing of terrorist activities.

The Noxious and Dangerous Substances (Control) Act 1981, enacted by the House of Assembly as Act. No. 4 of 1982, supports the resolution's requirements for measures to secure storage with respect to biological, chemical and nuclear weapons and other related materials. The Environmental and Health Services Act (No. 8 of 1997) provides the legal framework for the resolution's requirements for the licensing and registration of facilities and personnel handling regarding biological, chemical and nuclear weapons and related materials. Under this Act, the Chief Environmental Health Officer is empowered to issue certificates of approval for facilities, processes, and use of liquids, gas, radiation, and other materials that may cause harm or injury to the general public.

The Pesticides Control Act of 1974, which was amended in 1987, may contribute to filling the requirements for the accounting, securing and protecting measures associated with chemical weapons and related materials. The Dominica Bureau of Standards of the Ministry of Foreign Affairs is the National Authority in accordance with the obligations of the Chemical Weapons Convention.

Regarding nuclear weapons and related materials, Dominica concluded a Safeguards Agreement, and a small quantities protocol with the International Atomic Energy Agency (INFCIRC/513), which entered into force on 3 May 1996. The Safeguards Agreement satisfies the requirement of article 13 of the Treaty of Tlatelolco.

There is a legislative framework governing the control over border crossings, the export and import and other transfers of biological weapons and related materials. The relevant pieces of legislation are:

- The Customs (Control and Management Act), No. 16 of 1995
- The Plant Protection and Quarantine Act, No. 10 of 1986
- Plant Protection (Importation) Regulations
- Animals Act
- Environmental Health Services Act, No. 8 of 1997

The following governmental authorities, the Customs and Excise Division of the Ministry of Finance and Planning, the Dominica Maritime Administration (MARAD), the Plant Protection Unit of the Ministry of Agriculture, and the Environmental Health Division of the Ministry of Health, have been vested with the mandate to implement the provisions of the respective pieces of legislation as they relate to border control requirements regarding biological weapons and related materials. Additionally, with respect to importation of arms and ammunition, licensing authorizations must be secured from the Commissioner of Police before importation can be effected.

In 2006, the Dominica's House of Assembly passed the Dominica Air and Sea Ports Authority act 2006 (Act. No. 8 of 2006), which provides for coordinated and integrated systems of airports, seaports and port services, and the creation of Dominica Air and Sea Ports Authority (DASPA) (Order No. 37 of 2006). DASPA has already made significant investment towards bringing the ports of Dominica into full compliance with the International Ship and Port Facility (ISPS Code), and has pledged additional investments to meet the obligations of the various counter-terrorism conventions.

Consistent with paragraph 8 (d) of resolution 1540 (2004) and its relationship with the Organization for the Prohibition of Chemical Weapons, the Commonwealth of Dominica underscores its strong advocacy for multilateral cooperation in the areas of non-proliferation and of promoting international cooperation for peaceful purposes. In keeping with this commitment to multilateral cooperation, Dominican officials have participated in regional meetings to promote the object, purpose and implementation of the Convention.

The Commonwealth of Dominica, despite the challenge of capacity, is committed to realization of the objectives contained in resolution 1540 (2004), as well as of other multilateral initiatives on the question of international peace and security, and disarmament.

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Note verbale dated 4 April 2008 from the Permanent Mission of Nauru to the United Nations addressed to the Committee

The Permanent Mission of the Republic of Nauru to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to the letter from Ambassador Peter Burian, the former Chairman of the Committee, of 2 November 2007.

Accordingly, the Mission has attached herewith the report of the Government of Nauru in accordance with resolution 1540 (2004) (see annex).

09-27800 (E) 030409

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Annex to the note verbale dated 4 April 2008 from the Permanent Mission of Nauru to the United Nations addressed to the Committee

Report of Nauru on actions taken by the Government to implement Security Council resolution 1540 (2004)

Introduction

Pursuant to United Nations Security Council resolution 1540 (2004) States are required, within six months from the adoption of the resolution, to present a report to the 1540 Committee of the Council on the steps they have taken or intended to take regarding its implementation.

This report sets out the policy, legislation and operational mechanisms operating in Nauru to implement the requirements of the resolution.

Requirements of 1540 (2004)

OP 1. Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

The Government of Nauru not only withholds any support whatsoever to entities — whether State or non-State actors, attempting to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery but is committed to the greatest extent possible, to opposing such activities.

International conventions, treaties and arrangements

Nauru is a party to the following conventions that are relevant to resolution 1540 (2004):

Nuclear Non-Proliferation Treaty

Comprehensive Nuclear-Test-Ban Treaty

Convention on the Physical Protection of Nuclear Material

Treaty of Rarotonga

Chemical Weapons Convention

Nauru is also a State party to 12 international conventions and protocols on counter-terrorism. In addition to the above-mentioned Convention on the Physical Protection of Nuclear Material these are:

Convention on Offences and Certain Other Acts Committed on Board Aircraft

Convention for the Suppression of Unlawful Seizure of Aircraft

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents

International Convention against the Taking of Hostages

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf

Convention on the Marking of Plastic Explosives for the Purpose of Detection

International Convention for the Suppression of Terrorist Bombings

International Convention for the Suppression of the Financing of Terrorism

The Government of Nauru recognizes the importance of, and agrees in principle with the objectives of the remaining conventions and arrangements relevant to resolution 1540 (2004). It is giving consideration to adopting these relative to other domestic and international priorities.

OP 2. Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them

The Counter-Terrorism and Transnational Organized Crime Act 2004, certified by the Speaker of the House in November 2004, contains provisions relevant to resolution 1540 (2004).

The Counter-Terrorism and Transnational Organized Crime Act 2004 is Nauru's primary counter-terrorism legislative mechanism. It contains a mechanism by which the Minister for Justice can specify, by regulation, entities or persons to be terrorist entities who have been identified as such by the Security Council. The prescription of such entities or persons underpins offences in the Act relating to support of terrorists. In particular the Act makes it an offence to provide weapons to entities that have been specified by the Minister for Justice to be terrorist groups, or to associated persons. The term "weapon" in the Act includes firearms, chemical, biological or nuclear weapons. The offence carries a maximum penalty of life imprisonment.

The Act also makes it an offence to import, export or transport nuclear material through Nauru without prior authorization from Cabinet. The maximum penalties for these offences are life imprisonment and fines of up to AUD$500,000. Other offences include receiving, possessing, using, transferring, altering, disposing or dispersing, stealing, fraudulently obtaining, demanding or threatening the use of nuclear material to cause death or serious injury to persons or damage to property. Maximum penalties for these offences are 20 years' imprisonment and fines of up to AUD$150,000. The Act imposes criminal liability for persons who conspire, attempt or assist the commission of these offences.

With the exception of the offence in the Counter-Terrorism and Transnational Organized Crime Act 2004 relating to the supply of chemical or biological weapons to terrorists there is no specific legislation regulating or controlling the manufacture, acquisition, possession, development, transportation, transfer or use of chemical or biological weapons, their delivery systems or related components within Nauru. New legislation would be required to incorporate mechanisms specifically regulating these types of activities and items. The Government would welcome any technical assistance available to develop and implement these mechanisms to enhance the framework already in place regarding nuclear material.

As far as criminalizing the use of nuclear, chemical or biological weapons in terrorist acts is concerned these are covered by the Counter Terrorism and Transnational Organized Crime Act 2004 that contains a number of criminal offences specifically directed at terrorist acts, including:

- carrying out, attempting or participating in a terrorist bombing
- taking or attempting to take hostages
- attacking, attempting or threatening to attack internationally protected persons or their property
- unlawfully seizing, attempting or threatening to seize an aircraft or ship
- committing, attempting or threatening acts of violence at an airport
- financing or assisting to finance terrorist acts

The maximum penalty for the most serious of these offences is life imprisonment. Legislation has been drafted amending the Act to incorporate measures addressing terrorist acts involving nuclear material, specific offences of manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons or any means of delivery of those weapons.

In addition, general offences in the Criminal Code relating to crimes such as murder, attempted murder, etc. would also apply to a number of acts that could potentially be carried out by terrorists using nuclear, chemical or biological weapons.

OP 3. Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport

The Government considers the risk of nuclear, chemical or biological weapons, or related delivery systems being produced, used, stored or transported through Nauru to be minimal. Factors contributing to this are Nauru's remote geographical location, its small size and low population, and its limited commercial air and sea links with countries other than Australia, which applies tight border controls.

The Government's primary focus in implementing the relevant obligations under resolution 1540 (2004) is the effective application of measures to exclude items of a nuclear, chemical and biological nature from Nauru that may present threats to its security, or that of other countries. The level of domestic controls currently in place

to account for and secure such items is considered to be proportionate to the low level of risk of them entering the country.

(b) Develop and maintain appropriate effective physical protection measures

The Government considers the legislative controls already in place relating to nuclear material to be reasonably comprehensive. Currently, the legislative controls are not as high for items of a chemical or biological nature but the risk associated with this is low given the absence of any significant chemical or biological agents in the country and the factors described in (a) above.

(c) Develop and maintain appropriate border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international laws

Overall responsibility for security of Nauru's border lies with the Department of Justice and Border Control, incorporating the functions of Customs, Immigration, Passports and Quarantine, as well as with the Nauru Police Force.

In order to enhance the level of inter-agency coordination the Government established a National Co-ordinating Committee (NCC). The NCC is currently chaired by Hon. Mathew Batsiua, Minister for Justice and Border Control, Fisheries and the Nauru Phosphate Royalties Trust and comprises the Secretary for Justice and Border Control, the Secretary for Foreign Affairs and Trade, the Secretary for Finance, the Commissioner of Police, Nauru's Permanent Representative to the United Nations and the Financial Intelligence Unit Supervisor. The NCC meets regularly as required to address issues related to counter-terrorism and anti-money-laundering. This forum, combining as it does political, policy and operational input has greatly enhanced the understanding of, and response to security-related issues on a "whole of government" basis.

The Government of Nauru operates stringent controls on entry of persons into the country. The Immigration Act 1999 and the Counter-Terrorism and Transnational Organized Crime Act 2004 provide mechanisms for preventing entry of persons who may be engaged in activity involving relevant items, or for removing them from the country. The legislation also provides means of controlling the delivery of items that are suspected of being used or intended for the commission of offences related to terrorism.

The Nauru Police Force has fostered close relationships with the Australian Federal Police and has access to intelligence channels, including the Pacific Transnational Crime Coordination Centre in Suva, Fiji, INTERPOL and other relevant intelligence agencies. In addition, local agencies are currently evaluating an identification verification system that would provide enhanced local ability to check details of individuals against the key international watch lists operating to identify persons of interest to security and law enforcement agencies internationally. These include the list of designated persons and entities maintained by the Committee established under resolution 1267 (1999).

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal and civil penalties for violations of such export control laws and regulations

The primary legislation governing the movement of goods over Nauru's borders is the Customs Ordinance 1922-1967. This Customs Ordinance specifically details what are prohibited imports and prohibited exports, and authorizes the listing of any other item specified by proclamation of the relevant Minister of State. The list includes firearms, ammunition and explosives. These items can only be imported under permits issued by the Government. The Act provides mechanisms requiring operators of ships or aircraft entering Nauru to deliver details of cargo manifests to the Customs Comptroller shortly after arrival. A failure to provide these is an offence, carrying fines of up to AUD$3,000.

The Customs Ordinance 1922-1967 empowers authorized officers (including customs and police officers) to search ships or aircraft for evidence of suspected offences or breaches of relevant requirements.

The Government of Nauru continues to develop security plans in place for its air and seaports and ships otherwise entering its territory. The long-term objective of this work is to ensure security measures in place in Nauru meet the International Convention for the Safety of Life at Sea and the new International Ship and Port Security Code.

At an operational level, if any goods were located by customs officials during routine searches of ships, aircraft and related cargo that were suspected of being related to terrorist activity other relevant agencies would be notified along with regional intelligence bodies such as Pacific Transnational Crime Coordination Centre.

OP 5. Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons

The Government of Nauru acknowledges that no aspect of resolution 1540 (2004) is to be interpreted in a manner that conflicts with the rights and obligations contained in the above treaties, conventions and arrangements.

OP 6. Recognizes the utility in implementing this resolution of effective national control lists and calls upon all member States, when necessary to pursue at the earliest opportunity the development of such lists

The Government of Nauru does not currently operate a national control list of the type contemplated by resolution 1540 (2004). The development and operational implementation of such a list presents considerable challenges for the Government

and relevant agencies especially in compiling, maintaining and enforcing it. Officials from relevant agencies will be required to undertake further work to consider the range of options available to enhance the implementation of resolution 1540 (2004). The Government would welcome any technical assistance available to assist officials to conduct this work.

OP 7. Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

The Government of Nauru would welcome any technical assistance that is available to assist it to fully implement the requirements of resolution 1540 (2004), particularly in developing enhanced operational capability within police and border security agencies and the practical implementation of obligations relating to national control lists.

OP 8. Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, chemical and biological weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws

OP 9. Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical and biological weapons, and their means of delivery

OP 10. Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials

In relation to paragraphs 8, 9 and 10, Nauru supports, to the greatest extent possible, international initiatives to reduce the threat posed by the proliferation of nuclear, chemical and biological weapons, their means of delivery and related components. It will continue to participate and contribute to efforts (primarily in the Pacific region) to reduce this threat.